

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:14-cv-294-FDW
(3:04-cr-137-FDW-1)

DIMARCO ANTONIO ALEXANDER,)
)
Petitioner,)
)
vs.) ORDER
)
UNITED STATES OF AMERICA,)
)
Respondent.)
)

This matter is before the Court on an unopposed motion of Petitioner, (Doc. No. 5), to hold his motion to vacate sentence pursuant to 28 U.S.C. § 2255¹ in abeyance pending resolution of the appeal in United States v. Wheeler, Fourth Circuit Case No. 16-6073. The Respondent consents to the motion to stay.

IT IS HEREBY ORDERED that the Motion to Stay, (Doc. No. 5), is **GRANTED**. The United States shall have 45 days after the Fourth Circuit issues Wheeler in which to move to re-open this case and file its response.

Signed: September 11, 2017



Frank D. Whitney
Chief United States District Judge


¹ Petitioner alternatively seeks habeas relief pursuant to 28 U.S.C. § 2241, *coram nobis* relief under 28 U.S.C. § 1651(a) or a writ of *audita querela*.